

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 3/3/2008 at 3:43 PM EST and filed on 2/27/2008

Case Name: USA v. Alcott

Case Number: 1:04-cr-10286

Filer:

Document Number: No document attached

Docket Text:

Judge Judge Patti B. Saris: ELECTRONIC ENDORSEMENT as to Michael W. Alcott re [90] Letter (non-motion). "The Court has not received any motions. The government informed the Court that it has received copies of the motion. However, no motion has been filed on the docket." (Patch, Christine)

1:04-cr-10286-1 Notice has been electronically mailed to:

Jack W. Pirozzolo jack.pirozzolo@usdoj.gov, theresa.manning@usdoj.gov, usama.ecf@usdoj.gov

Kevin L. Barron kevin.barron@mac.com

1:04-cr-10286-1 Notice will not be electronically mailed to:

Motions

1:04-cr-10286-PBS USA v. Alcott **CASE CLOSED** on 03/31/2006
APPEAL, VICTIM

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered by Pirozzolo, Jack on 2/26/2008 at 12:50 PM EST and filed on 2/26/2008

Case Name: USA v. Alcott
Case Number: 1:04-cr-10286
Filer: USA
Document Number: 89

Docket Text:

MOTION for Extension of Time to March 7, 2008 to File Response/Reply as to [85]
MOTION to Vacate under 28 U.S.C. 2255, [88] Order, as to Michael W. Alcott by USA.
(Pirozzolo, Jack)

1:04-cr-10286-1 Notice has been electronically mailed to:

Kevin L. Barron kevin.barron@mac.com

Jack W. Pirozzolo jack.pirozzolo@usdoj.gov, theresa.manning@usdoj.gov, usama.ecf@usdoj.gov

1:04-cr-10286-1 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: yes

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1029851931 [Date=2/26/2008] [FileNumber=2259997-0
] [6bfc99e7e9a63242e43d115d7ecccff36f84a7e1cfbe7333a88aeba1f12a59d8301
6aa5951de7805aee7f61d408f819bd133acd208a30c9eda488aa2c866a1e4]]

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) CRIMINAL NO. 04-10286-PBS
MICHAEL W. ALCOTT,)
Defendant)

**UNITED STATES' MOTION FOR ADDITIONAL TIME TO
RESPOND TO 2255 PETITION**

The United States hereby moves for an extension of 10 days, or until March 7, 2008, to respond to the petition in this matter. As grounds for this motion, the United States says as follows:

1. On March 30, 2006, this Court sentenced Petitioner Michael Alcott ("Petitioner" or "Alcott") to 92 months imprisonment, inter alia, following his plea of guilty to various offenses, including bank fraud and extortion in violation of 18 U.S.C. § 1952 (Travel Act).
2. On February 7, 2008, Alcott filed a petition (the "Petition") under 28 U.S.C. § 2255 requesting reduction of his current sentence of imprisonment from 92 months to 70 months, inter alia. On February 7, 2008, the Court issued an order that the United States file an answer or response within 20 days, making the answer or other responsive pleading due February 27, 2008.
3. The undersigned AUSA received the Petition on or about February 10, 2007. From February 10, 2008 through February 15, 2008, the undersigned AUSA was preparing and filing a brief in the First Circuit in a separate matter, United States v. George Schussel, First Cir. No. 07-2095. The undersigned AUSA also had a sentencing in another matter, United States v. Robert Felleman, et al., 05-cr-10267-DPW on February 15, 2008. The following week, which

was the Massachusetts public school vacation week, the undersigned AUSA was out of the office all but two days.

4. In addition, on February 21, 2008, the Court, in response to a Motion for Release of Brady Materials, ordered the United States to inform the Court whether it had ever seen an e-mail Alcott claims he sent to the victim of his extortion scheme. The United States recalled its file on Alcott from storage. An initial review revealed no such e-mail in the United States' file. On or about February 21, 2008, the United States contacted the FBI to determine whether such an e-mail exists in the FBI files. The FBI has not yet confirmed whether such an e-mail exists in its files. The United States needs additional time to confirm from the FBI whether such an e-mail exists in the FBI's files. With the additional time the United States requests, the United States will be in a position to address that issue in its response to the Petition.

5. The United States therefore needs the additional time to address adequately the issues raised in the Petition.

6. Petitioner will suffer no prejudice from the requested extension since, even if the Court were to grant him the relief he seeks, he will remain imprisoned for at least another 36 months.

Case 1:04-cr-10286-PBS Document 89 Filed 02/26/2008 Page 3 of 3

WHEREFORE, the United States requests that the Court extend the date for the United States to respond to the Petition to March 7, 2008.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Jack W. Pirozzolo
JACK W. PIROZZOLO
Assistant U.S. Attorney
U.S. Attorney's Office
U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210

Date: February 26, 2008

CERTIFICATE OF SERVICE

I, Jack W. Pirozzolo, hereby certify that on February 26, 2008, I served a copy of the foregoing document by mail on the petitioner.

/s/ Jack W. Pirozzolo
JACK W. PIROZZOLO
Assistant U.S. Attorney

United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 2/21/2008 at 3:55 PM EST and filed on 2/20/2008

Case Name: USA v. Alcott

Case Number: 1:04-cr-10286

Filer:

Document Number: No document attached

Docket Text:

Judge Patti B. Saris: Electronic ORDER entered re [87] Motion for Release of Brady Materials as to Michael W. Alcott (1). "The government shall inform the Court whether it has ever seen this e-mail." (Patch, Christine)

1:04-cr-10286-1 Notice has been electronically mailed to:

Jack W. Pirozzolo jack.pirossolo@usdoj.gov, theresa.manning@usdoj.gov, usama.ecf@usdoj.gov

Kevin L. Barron kevin.barron@mac.com

1:04-cr-10286-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Michael W. Alcott

Petitioner

v.

CIVIL ACTION

United States of America

Respondent

NO. 08-10198-PBS

ORDER

Saris

D. J.

Pursuant to Rule 4(b) of the Rules Governing Section 2255 cases, the Clerk of this Court is hereby ordered to serve a copy of the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody upon the office of the United States Attorney.

It is further ordered that the Respondent shall, within 20 days of receipt of this Order, file an answer (or other responsive pleading) to the Motion to Vacate, Set Aside or Correct Sentence. The answer (or other responsive pleading) must also include a statement notifying this Court of the existence of any victim or victims as defined by 18 USC § 3771.

2/7/08

Date

/s/ Patti B. Saris

United States District Judge